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INTERNATIONAL PRELIMINARY EXAMINATION REPORT



(PCT Article 36 and Rule 70)

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Applicant's or agent's file reference 2082-1354-1	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/L 03/00529	International filing date (day/month/year) 23.06.2003	Priority date (day/month/year) 24.06.2002
International Patent Classification (IPC) or both national classification and IPC A61K7/00		
Applicant DEAD SEA LABORATORIES LTD. et al.		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of 2 sheets.</p>
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the opinion</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input checked="" type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>

Date of submission of the demand 19.01.2004	Date of completion of this report 02.11.2004
Name and mailing address of the International preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Szarek, S Telephone No. +49 89 2399-8219 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/IL 03/00529

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-10 as originally filed

Claims, Numbers

1-13 received on 25.08.2004 with letter of 23.08.2004

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination, was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

5. ☒ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

see separate sheet

6. Additional observations, if necessary:

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III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:
- ☐ the entire international application,
 - ☒ claims Nos. 14
because:
 - ☒ the said international application, or the said claims Nos. 14 relate to the following subject matter which does not require an international preliminary examination (specify):
see separate sheet
 - ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):
 - ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
 - ☐ no international search report has been established for the said claims Nos.
2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:
- ☐ the written form has not been furnished or does not comply with the Standard.
 - ☐ the computer readable form has not been furnished or does not comply with the Standard.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-14
Inventive step (IS)	Yes: Claims	
	No: Claims	1-14
Industrial applicability (IA)	Yes: Claims	1-13
	No: Claims	

2. Citations and explanations

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/IL 03/00529

I

The amendments filed with the letter dated 23.08.2004 introduce subject-matter which extends beyond the content of the application as filed, contrary to Article 34(2)(b) PCT. The amendments concerned are the following:

Claim 1

The technical feature "and an ingredient selected from Dead Sea bath salts, Dead Sea minerals, Dead sea mud, and mixtures thereof" has been added to claim 1.

Claim 1 is now directed to a cosmetic composition comprising a combination of (a) nano-magnetic particles characterized by magnetic field adapted to be topically administrated to the skin and (b) an ingredient selected from Dead Sea bath salts, Dead Sea minerals, Dead sea mud, and mixtures thereof. Such a combination is not disclosed in the application as originally filed. The document as filed only teaches that the nano-magnetic particles can be selected from Dead Sea bath salts, Dead Sea minerals, Dead sea mud, and mixtures thereof.

Therefore claims 1 to 13 do meet the requirements of Article 34(2)(b) PCT.

Therefore, this report has been established as if the amendments had not been made, since they have considered to go beyond the disclosure as filed.

III

Claim 14 relate to subject-matter considered by this Authority to be covered by the provisions of Rule 67.1(iv) PCT. Consequently, no opinion will be formulated with respect to the industrial applicability of the subject-matter of these claims (Article 34(4)(a)(I) PCT).

V

Reference is made to the following documents

D1: WO 00 40255 A

D2: US-A-6 033 655

D3: US-A-5 961 988

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D4: US-A-5 800 835
D5: WO 01 28512 A
D6: FR-A-2 268 512
D7: EP-A-1 000 608
D8: WO 02 053114 A
D9: EP-A-0 686 447
D10: EP-A-1 043 018
D11: WO 01 28338 A
D12: DATABASE WPI Section Ch, Week 199223 Derwent Publications Ltd.,
London, GB; Class D21, AN 1992-187468 XP002257197 & JP 04 108710 A
D13: DATABASE CAPLUS [Online] 1988, XP002257194 retrieved from STN
Database accession no. 1988:555978
D14: DATABASE CAPLUS [Online] 1989, XP002257195 retrieved from STN
Database accession no. 1989:502552
D15: PATENT ABSTRACTS OF JAPAN vol. 0135, no. 79 (C-668), 20 December
1989 (1989-12-20) & JP 1 242513 A (SHISEIDO CO LTD)
D16: DATABASE WPI Section Ch, Week 198741 Derwent Publications Ltd.,
London, GB; Class D21, AN 1987-286915 XP002257198 & JP 62 198608 A
D17: DATABASE CAPLUS [Online] 2001, XP002257196 retrieved from STN
Database accession no. 2001:403392

1. The present application does not satisfy the criterion set forth in Article 33(2) PCT because the subject-matter of claim 1 is not new.

Cosmetic compositions comprising inter alia small magnetic particles characterized by magnetic field adapted to be topically administrated on the skin are disclosed in the following documents :

D1 : Pages 3 to 7; Claims 1 to 9.

D2 : Col. 1 line 46 to col. 4, last line.

D3 : Col. 1, line 33 to Col. 2, line 57; Col. 3, lines 22 to 42; Examples 1 to 5; Claims 1, 2.

D4 : Col. 1, line 443 to Col. 2, line 44; Col. 5, line 41 to Col. 14, line 53; Claims 1 to 5, 11.

D5 : Claims 1, 2, 11, 15.

D6 : Page 1, line 21 to page 2, line 18.

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D7 : Col. 1, line 49 to col. 3, line 47; Col. 7, lines 10 to 31; Col. 8, lines 25 to 49;
Examples 1 and 2; Claims 1 to 12.

D8 : Page 2, line 14 to page 4, line 6; Pages 5 to 8; Claims.

D9 : Pages 2 to 4; Claims.

D10 : Col. 1 to Col. 4.

D11 : Page 3; Page 6 line 34 to page 47; Examples; Claims.

D12 : See the abstract.

D13 : See the abstract.

D14 : See the abstract.

D15 : See the abstract.

D16 : See the abstract.

D17 : See the abstract.

The subject-matter of claim 1 is therefore not new.

2. For the assessment of the present claim 14 on the question whether it is industrially applicable, no unified criteria exist in the PCT Contracting States. The patentability can also be dependent upon the formulation of the claims. The EPO, for example, does not recognize as industrially applicable the subject-matter of claims to the use of a compound in medical treatment, but may allow, however, claims to a known compound for first use in medical treatment and the use of such a compound for the manufacture of a medicament for a new medical treatment.

CLAIMS

1. Cosmetic compositions comprising nano-magnetic particles characterized by magnetic field adapted to be topically administrated on the skin and an ingredient selected from Dead Sea bath salts, Dead Sea minerals, Dead Sea mud, and mixtures thereof.
2. The cosmetic compositions according to claim 1, wherein the magnetic particles are obtained from the salts of the Dead Sea.
3. The cosmetic compositions according to claim 1, wherein the magnetic particles are selected from iron, Fe_2O_3 or any other ferromagnetic element or compound.
4. The cosmetic compositions according to claim 1, wherein the magnetic particles are selected from nickel, cobalt, neodymium, samarium or any mixture thereof.
5. The cosmetic compositions according to claim 1, in the form of creams, gels, lotions, masks, ointments, emulsions, foams, soaps, shampoos, bath salts or aromatic oils.
6. The cosmetic compositions according to claim 1, in the form selected at least one of the group selected from Dead Sea bath salts; Dead Sea mineral mud; hydrophilic gels; lipophilic gels; protective dermatological ointments; ointments in water-in-oil (W/O) emulsions; dermatological anhydrous pastes; dermatological tinctures; nourishing face creams; nourishing face cream in W/O emulsions; moisturizing face creams; moisturizing face creams; moisturizing face cream in W/O emulsions; moisturizing face gels; hair and scalp conditioning mask or scalp treatment shampoos.
7. The cosmetic compositions according to claim 1, wherein the magnetic particles are either solubilized, dispersed or suspended in waterborne or solvent-base emulsions, solutions or any combination thereof.

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8. The cosmetic compositions according to claim 1, additionally comprising additives, selected from antioxidants, vitamins, medically active agents, chemotherapeutic agents, radio therapeutic agents, humidifiers, biocides, pigments, smell agents, odorants, colorants, UV absorbents, UV blockage agents, polymers, thickeners, co-solvents, emulsifiers, surfactants or vegetable extracts.
9. The cosmetic compositions according to claim 1, wherein the cosmetic compositions are suspended in polyalkyl siloxane.
10. The cosmetic compositions according to claim 1, wherein the nano-magnetic particles are ranges from 2 to 20nm in maximum diameter.
11. The cosmetic compositions according to claim 1, wherein the nano-magnetic particles are ranges from 20 to 200 nm in diameter.
12. The cosmetic compositions according to claim 1, selected from anti-aging magnetic head/neck wrap or anti-aging facial mask.
13. An external layer of bandages, dressings, compresses or warps, comprising a cosmetic composition as defined in claim 1.

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